

**REPORT - PLANNING COMMISSION MEETING  
May 26, 2005**

**Project Name and Number:** Andary Enterprises (PLN2003-00261)

**Applicant:** Albert Andary

**Proposal:** To consider a Planned District Major Amendment to P-65-8 to construct a car wash facility, construct a new eating establishment, expand an existing convenience store, and remove the existing auto repair service bays to accommodate the eating establishment.

**Recommended Action:** Approve, based on findings and subject to conditions.

**Location:** 4995 Mowry Avenue in the Centerville Planning Area

**Assessor Parcel Number(s):** 501-0641-142-00

**Area:** 0.95 acres (41,582 S.F.)

**Owner:** Albert Andary

**Agent of Applicant:** Christopher Guterres RHL Design Group Inc.

**Consultant(s):** Christopher Guterres RHL Design Group Inc.

**Environmental Review:** An Initial Study and a Mitigated Negative Declaration were prepared and circulated for this project.

**Existing General Plan:** Community Commercial Center (CCC)

**Existing Zoning:** P-65-8, Planned District

**Existing Land Use:** Gasoline Service Station, auto repair and convenience store

**Public Hearing Notice:** Public hearing notification is applicable. A total of 221 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Blacow Road, Donner Way, and Mowry Avenue. The notices to owners and occupants were mailed on May 13, 2005. A Public Hearing Notice was delivered to The Argus on May 9, 2005 to be published by May 12, 2005.

**Executive Summary:** The applicant is requesting approval of a Planned District Major Amendment for a remodel of an existing 1,817 square foot gasoline service station. The existing 1,176 square foot three-bay auto repair shop will be removed to accommodate a small new eating establishment. The proposed project will also see the convenience store increased in size to approximately 1,648 square feet, square (addition to C-Store of 1000 square feet), therefore, the convenience store and eating establishment would total 2,824 square feet. The project also includes a new 900 square foot car wash facility to be located along the western edge of the subject site. The owner has advised that due to financial costs, the existing fuel dispensers, fueling station canopies and a significant amount of the on-site infrastructure is not proposed to be modified as part of the scope of this project.

**Background and Previous Actions:** The Planning Commission approved Planned District P-65-8 on January 31, 1966. There has been various minor modifications processed since the original approval, however, the main use being that of an automotive service center has remained in place since the original approvals.

**Project Description:** The applicant is proposing to remodel an existing gasoline service station. The proposed project would see the current convenience store and three-bay auto repair shop (auto repair service bays to be removed) totaling approximately 1,817 square feet, reconfigured/remodeled into a small eating establishment and enlarged convenience store. The remodeled convenience store would occupy approximately 1,648 square feet and the new eating establishment would occupy 1,176 square feet, therefore, the remodeled building would total 2,824 square feet in size. A new conveyor car wash building totaling 900 square feet in size is proposed to be located along the western portion of the property and a vacuum station is also proposed in the eastern portion of the site as part of the project. The fueling dispensers will offer the option of paying for the car wash at the same time the consumer pays for the gas. There will be no expansion to the current number of fueling dispensers or the two canopies. No changes are anticipated for the underground fuel storage tanks.

#### **Project Analysis:**

**General Plan Conformance:** The existing General Plan land use designation for the project site is Community Commercial. The proposed project is consistent with the existing General Plan land use designation for the project site because gasoline service stations, car washes and eating establishments are allowed in the Community Commercial designation. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

**Policy LU 2.11: Service:** All local-serving commercial services are generally allowed including those related to finance, real estate, insurance, business services, home services, personal services and others. Auto services (including repair, gas stations and cleaning), drive-in services (e.g. drive-in banks), and equipment leasing and rental can be allowed in a CC district if the use does not have a significant negative impact on the CC visual character and pedestrian orientation.

*Comment: The project proposes to expand the existing convenience store, operate a new eating establishment and construct a new carwash facility. The existing auto repair bays will not be retained.*

**Goal LE 3:** A hierarchy of well defined, vital commercial areas meeting the retail shopping, entertainment and service needs of Fremont residents.

*Comment: The proposed remodel retains the gasoline service business and enhances the retail shopping needs of Fremont residents and the motoring public with the carwash, convenience store expansion and eating establishment.*

**Policy HS 8.1.3:** Noise created by commercial or industrial sources associated with new projects or developments shall be controlled so as not to exceed the noise level standards set forth in Table 10-2 as measured at any affected residential land use.

*Comment: Expanded comment regarding the above policy is available in the "Noise" section of this report.*

**Zoning Regulations:** The existing site is zoned Planned District, P-65-8. The proposed use conforms to the site standards set forth in the conditions of approval for P-65-8 and related sections of the Zoning Ordinance pertaining to setbacks, lot coverage and building height. Section 8-22141 of the ordinance lists additional conditions that gasoline service stations must satisfy. The proposed use conforms with these conditions as they relate to the proximity to schools, exterior sales, site design and circulation.

The conditions for Gasoline Service Stations also specify that a minimum twenty percent of the net lot area, excluding the public right-of-way and easement for the use of the general public, shall be improved with well-maintained landscaping elements. These elements may include plant materials, street furniture and decorative surfaces provided that hardscape material does not exceed five percent of the area to be landscaped. As proposed, 30% of the site is landscaped.

- The station's hours of operation are 5 AM to 11 PM, Monday thru Friday, 6 AM to 11 PM on Saturday, 7 AM to 10 PM on Sunday, and the car wash facility is proposed to operate from 8 AM to 8 PM, daily. An acoustical study was conducted by Wilson, Ihrig and Associates (see the Noise Impacts section of this report for discussion on this study). The car wash facility and its related activities are not anticipated to generate noise that will significantly impact

adjacent residential land uses. However, staff feels that the car wash activities should be conditioned to further reduce the chances of noise impacts on the adjacent uses:

Staff recommends the following restrictions:

1. Hours of operation: Gasoline service station, convenience food store and eating establishment: 5 AM to 11PM, Monday thru Friday, 6 AM to 11 PM on Saturday, and 7 AM to 10 PM on Sunday, Car wash facility 8 AM to 8 PM, daily.
2. The vacuuming facilities for vehicle interiors shall be located adjacent to the parking space near the intersection of Blacow Road and Mowry Avenue, as per Exhibit "A".
3. No personnel shall be allowed to provide on-site manual pre-wash or after-wash activities (such as vehicle hand – washing, waxing or detailing).

These restrictions have been included as conditions of approval (Exhibit "C", Conditions of Approval.).

**Parking:** The project proposes a total of 19 parking spaces, including one space for persons with disabilities. The required number of parking spaces for this project is 15, based on a requirement of 1 parking space for each 200 square feet for convenience stores (1,648 sq.ft./200 sq. ft. = 8 parking spaces) and 1 parking space for each 100 square feet of floor area for an eating establishment (which excludes the storage area of the eating establishment, and only counts the eating area, which is 700 sq.ft./100 sq.ft. = 7). Normally, 2.5 parking spaces would be required for a car wash use, but because the proposed car wash facility is fully automated and patrons will be able to purchase the car wash service at the fuel pump islands, additional parking is not necessary. The plan identifies an adequate stacking lane for up to 7 vehicles for patrons wishing to use the car wash facility.

**Open Space/Landscaping:** The applicant has submitted a Preliminary Landscape Plan and Tree Survey with the application which is identified as Sheet L1 attached to Exhibit "A". The project will include new trees, shrubs and ground cover throughout the site. Three existing trees are proposed to be removed to allow for the proposed site modifications, however, it should be noted that twelve existing healthy trees are being preserved. The existing Pavilion located on the project site at the corner of Blacow Road and Mowry Avenue is proposed to be removed as part of this project. The Pavilion has fallen into disrepair and is no longer being used for its intended use, which was an entry feature to the City and an area where people could meet/relax. As identified on Sheet L1, the applicant proposes to plant some trees and shrubs in this area to enhance the appearance of the site from the intersection. The applicant also proposes additional planting (trees & shrubs) adjacent to the property lines that border the existing KFC restaurant, apartment and office building to minimize the impact of the proposed expansion on the adjacent land uses. Staff has encouraged the applicant to re-landscape other areas within the project site to enhance the on-site appearance of the development, which the applicant has complied with.

The applicant will be required to submit a landscape and irrigation plan during the Development Organization review process.

**Circulation/Access Analysis:** Vehicular access to the gas station is provided by four existing driveways; two each on Mowry Avenue and Blacow Road. Vehicular ingress and egress is limited to right turns only due to the raised medians within each street. The project is not modifying the existing driveways. On-site vehicle circulation is being revised to accommodate the proposed automated car wash and the removal of the existing pavilion near the corner of Mowry and Blacow. A new pedestrian connection is proposed between the public sidewalk and the front door of the convenience store.

**Project Analysis/Design/Architecture:** As previously stated, the proposed development encompasses a significant remodel of an existing gasoline service station and site changes (excluding the fuel dispensers and canopies). The list below summarizes the proposal:

- Car service bay openings "filled-in" with wall material to match the existing building. New eating establishment to occupy the former service bays.
- On-site parking and circulation enhanced and modified to accommodate the car wash and car wash stacking lane.

- Pedestrian connection (decorative pavement material) proposed from the front of the Convenience Store to Mowry Avenue. A bike rack will be located near the front of the convenience store.
- New vacuum station installed in the parking area adjacent to Mowry Avenue.
- Trash enclosure relocated to the back of the building.
- Building addition to the north, south and west elevations of the existing building.
- New windows installed on the south elevation (front) of the building.
- New car wash facility located in the western portion of the site.
- Enhanced landscaping.

The City Zoning Ordinance requires that the siting and architectural character of the gasoline service station shall be compatible with the visual character of the surrounding area in terms of material and color treatment, roof line, building massing and configuration, and other elements so that architectural continuity is achieved. Staff feels that the applicant's proposal successfully addresses this requirement as the addition and new car wash facility is similar in architectural style and design to the existing service station. The design of the addition and car wash facility effectively and consistently incorporates a variety of materials and colors including cement plaster (light and medium gray), 2" reveals, ceramic tile on the column elements, all roof tile will match what currently exists on the gasoline canopies. The addition the existing building will incorporate new/additional windows along the south elevation, which is the front elevation of the building. Staff is recommending the placement of three trellises along the west elevation to enhance the appearance of the building (Condition B-14). Exhibit "A" has copies of all proposed elevations. Color renderings and color sample board (Exhibit "B") will be displayed at the Planning Commission Meeting.

**Noise:** The proposed project is not expected to significantly increase existing noise levels. Wilson, Ihrig & Associates, Inc. conducted an acoustical study of the proposed project between the afternoons of Wednesday January 26th until Thursday February 3rd 2005 to determine anticipated noise impacts generated by the project. The study identified that the existing ambient background noise typically averaged around 55dBA during the period between 7 AM and 6 PM. The consultant concluded that the primary source of the ambient background noise source is due to the volumes of traffic on Mowry Avenue and Blacow Road. The Health and Safety Chapter of the General Plan, Goal 8, Policy HS 8.1.3, states that noise created by commercial or industrial sources associated with new projects or developments shall be controlled so as not to exceed acceptable noise levels (60dBA). The study indicates that car wash facility (specifically, the car wash blower) will generate 61 dBA at the adjacent Carrington residential apartments. However, if the car wash facility is fitted with a noise reduction package, the opening height at both the entrance and exit ends are reduced to approximately 7', and installing "wing walls" at both the entrance and exit then it should provide an estimated 6 dBA reduction in the noise level, would be achieved, therefore, reducing the dBA levels to 55 dBA. The study concludes that the overall noise produced by the service station and car wash operations will result in the nearest residential properties at or below the existing ambient levels and approximately equal to existing background noise levels.

**Urban Runoff Clean Water Program:** The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board. Prior to approval of building permits the developer must demonstrate the site design complies with the NPDES permit requirements.

**Geologic Hazards:** A portion of the project site is within an area of potential liquefaction on the official Seismic Hazard Zones, Niles Quadrangle map, released by the State Geologist on October 19, 2004. In accordance with the Seismic Hazard Mapping Act, and local building codes, the project may require a seismic hazard report and geotechnical report, which provide geotechnical recommendations for the proposed buildings. The requirement for a seismic hazard report shall be determined by the Chief Building Official and the report shall conform to State guidelines and may be subject to peer review.

### Applicable Fees:

- **Development Impact Fees:** This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.

**Waste Management:** This project involves commercial construction and shall be subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939). The Act requires that 50% of the waste generated in the City of Fremont be diverted from landfill sites by the year 2000. Additionally, the project is subject to the City's Source Reduction and Recycling Element (1992), an Integrated Waste Management Ordinance (1995), and a Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. The trash/recycling enclosure for the project shall be designed in a manner to be architecturally compatible with nearby structures.

**Environmental Analysis:** An Initial Study and Draft Mitigated Negative Declaration, has been prepared for this project. The Draft Mitigated Negative Declaration includes mitigation measures, which, as implemented in the conditions of approval for this project, would reduce the identified impacts to non-significant levels. A detailed description of the potential impacts is provided within the Initial Study for the project, which is included as an enclosure.

A finding is proposed that this project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures. Accordingly, a Draft Mitigated Negative Declaration has been prepared for consideration by the Planning Commission.

The initial study conducted for the project has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval, as required by Public Resources Code section 21089 (see attachment to draft Negative Declaration). The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

<b>Enclosures:</b>	Exhibit "A"	Site Plan, Elevations, Floor Plan, Preliminary Landscape Plan
	Exhibit "B"	Colored Elevations and Material Sample Board
	Exhibit "C"	Conditions of Approval
		Initial Study and Draft Mitigated Negative Declaration

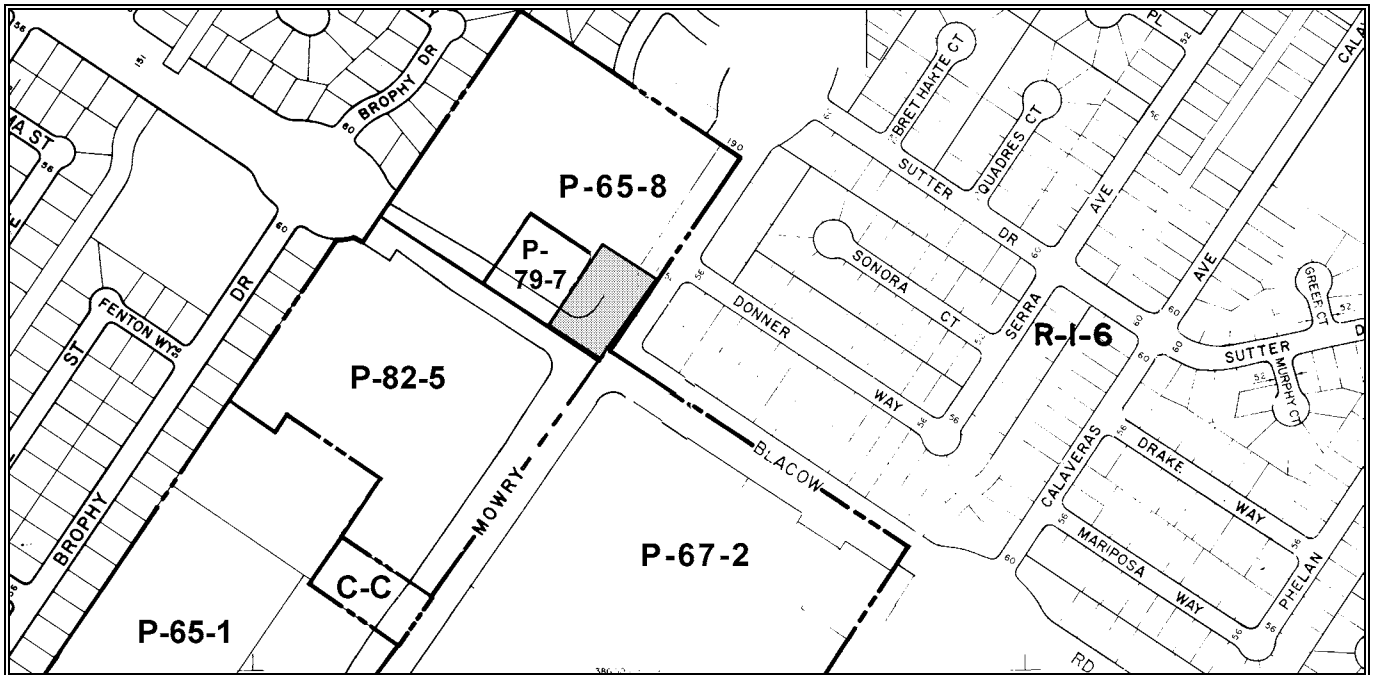
<b>Exhibits:</b>	Exhibit "A"	Site Plan, Elevations, Floor Plan, Preliminary Landscape Plan and Tree Survey
	Exhibit "B"	Colored Elevations and Material Sample Board
	Exhibit "C"	Conditions of Approval

### Recommended Actions:

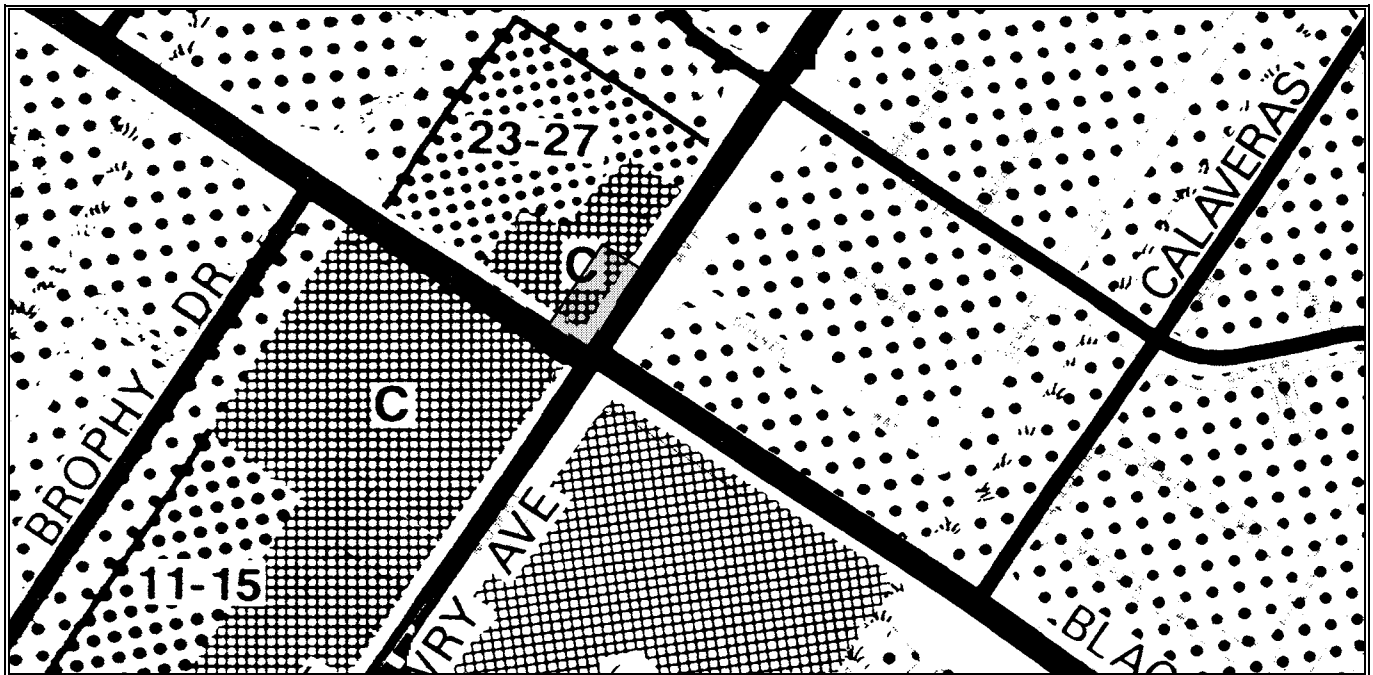
1. Hold public hearing.
2. Find the initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Adopt draft Mitigated Negative Declaration and Mitigating Monitoring Program and find it reflects the independent judgment of the City of Fremont.

4. Find PLN2003-00261 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use Chapter as enumerated within the staff report.
5. Approve PLN2003-00261, as shown on Exhibit "A", colored elevations and material sample board as shown on Exhibit "B" subject to findings and conditions on Exhibit "C".

Existing Zoning  
Shaded Area represents the Project Site



Existing General Plan



**EXHIBIT "C"**  
**Conditions of Approval for**  
**PLN2003-00261**  
**4995 Mowry Avenue – 2005 Expansion**

**General Conditions**

- A-1. Approval of PLN2003-00261 shall conform to Exhibit "A" (Site Plan, Architecture, Floor Plan and Landscape Plan), Exhibit "B" (Color and Material Sample Board) and all of the applicable conditions of approval set forth herein. The proposed plans submitted to the **Development Organization** shall substantially conform to the plans submitted with this application, except as modified herein.
- A-2. Minor modifications to Exhibit "A" (Site Plan, Architecture, Floor Plan, and Landscape Plan) may be made subject to the review and approval of the Planning Director if such modifications are in keeping with the intent of the original approval, unless the Planning Director finds that such modification warrants review and approval by the Planning Commission.
- A-3. The applicant shall submit appropriate plans to the **Development Organization** for review to ensure compliance with all City codes, policies, and other requirements of the Fremont Municipal Code.
- A-4. The project shall be subject to all City-wide development impact fees. These fees may include, but are not limited to, fees for fire protection, capital facilities and traffic impact. The fees shall be calculated at the fee rate in effect at the time of building permit issuance.

**Planning Requirements**

- B-1. The eating establishment shall have a maximum floor area of 700 square feet.
- B-2. All utilities associated with the development of this project, including PG&E meters, and any roof mounted mechanical equipment shall be screened, and shall be subject to review and approval of staff during the **Development Organization** review process.
- B-3. Other than public roadway lights, no exterior lighting shall be permitted except that which has concealed source, subject to the review and approval of staff during the **Development Organization** review process.
- B-4. Trash or debris on the premises, particularly accumulating behind the Convenience Store and in the rear landscape area, shall be kept clean. Similarly, appropriate action shall be taken in event of spills or leaks resulting from car fluid leaks, gasoline spills, or other mishaps involving chemicals, and steps shall be taken to avoid or mitigate these circumstances. The applicant shall notify the City's Hazardous Materials Division if such an event should occur.
- B-5. Signage is not part of this application. The applicant shall submit for all the required signage under a separate Planned Signed Program Application.
- B-6. The applicant shall install a Ryko car wash with a "Thrust Pro" dryer with a Noise Reduction Package as outlined and to the specifications of the Noise Study, prepared by Wilson & Ihrig & Associates, Inc., and dated March 2, 2005 for the project site.
- B-7. The applicant shall reduce the opening height at both the inlet and exit ends of the car wash to approximately 7 ft. This will reduce the noise radiating area, and also reduces the effective height of the noise source, increasing the acoustical screening effectiveness of the wing walls (Condition B-8). A sign shall be posted at the entrance to the car wash stating the exact height limit of vehicles that may enter the car wash. A "hang-bar" shall be installed so as to prevent passage of oversized vehicles entering the car wash facility.



- B-8. The applicant shall provide “wing walls” at both the inlet and exit ends of the car wash, to acoustically screen both openings from the adjacent land uses. Both walls shall be approximately 12 feet high and 18 feet long. The walls shall extend from the end walls of the car wash, with no gaps at the base of the walls and no gaps at the junction with the car wash facility. The walls shall have a weight of at least 4lbs./sq.ft. of surface area. The Wilson, Ihrig & Associates, Inc., Noise Study for the project dated March 2, 2005, shall be reviewed for specifications and details.
- B-9. The “wing walls” (Condition B-8) shall be painted and textured with material that is consistent with the exterior of the Convenience Store and Car Wash building. Landscaping (vines) and irrigation shall also be placed on the exterior (facing adjacent uses) of the wing walls which will be reviewed through the **Development Organization** review process.
- B-10. The pedestrian connection from the Convenience Store to Mowry Avenue shall be treated with decorative pavement material, to be reviewed through the **Development Organization** review process.
- B-11. The landscaped island adjacent to the west property line at the exit to the car wash facility shall be extended to protect cars exiting the facility. Staff will review this design through the **Development Organization** review process and determine the extent to which the island should be extended and the appropriate landscaping.
- B-12. Hours of operation for the gasoline service station, convenience food store and eating establishment shall be from: 5 AM to 11PM, Monday thru Friday, 6 AM to 11 PM on Saturday, and 7 AM to 10 PM on Sunday. Hours of operation for the car wash shall only occur between the hours of 8 AM to 8PM, daily.
- B-13. There shall be no on-site manual pre-wash or after-wash activities such as vehicle hand washing or drying, waxing or detailing.
- B-14. The applicant shall provide a combination of landscaping, trellises and planter boxes adjacent to the east elevation to soften/enhance the appearance of this elevation. This shall be reviewed and approved through the **Development Organization** review process.
- B-15. All provisions of the Mitigated Negative Declaration are incorporated into these conditions of approval. These provisions include:

### **Mitigation Measures**

**Mitigation #1:** The project shall comply with standard dust suppression measures. Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions. Cover stockpiles of sand, soil and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage. Paving shall be completed as soon as practicable to reduce the time that bare surfaces and soils are exposed. In areas where construction is delayed for an extended period of time, the ground shall be re-vegetated to minimize the generation of dust. Street sweeping shall be conducted to control dust and dirt tracked from the project. A person shall be designated to oversee the implementation of dust control.

**Mitigation #2** Should any human remains or historical or unique archaeological resources be discovered during site development work, the provisions of CEQA Guidelines, Section 15064.5(e) shall be followed to reduce impacts to a non-significant level.

**Mitigation #3:** The prime contractor awarded the construction work will be required to have State Hazardous Substance Removal Certification in addition to their State Contractor's License. The portion of the facility to be converted to another use, shall be free of any reported hazardous materials and property closed with the local agency(ies), as required by California Health and Safety Code, Chapter 6.95, and as detailed in the Hazardous Materials Business Plan filed with the City of Fremont Fire Department. During excavation work, the applicant must immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development. Any excavation material that is of a suspicious nature will be stockpiled on-site, samples will be taken by the consultant and tested for the presence of contaminants. Any excavated material that does not

meet the requirements of the responsible regulatory agencies will be hauled off-site to an approved landfill. Any materials that meet the requirements of the regulatory agencies will be placed back in the work area and/or disposed off-site to a normal disposal/recycling facility. Any stockpiled material will be placed on plastic sheeting and covered with plastic sheeting to prevent spreading and mixing of materials. Utility companies responsible for the relocation of facilities as part of the construction work in accordance with franchise agreements with the City will be required to provide their own monitoring program for the presence of hazardous materials during construction with all regulatory agencies.

**Mitigation Measure #4:** A Noise Reduction Package shall be installed on the "Thrust Pro" dryer. Reduce the opening height at both the inlet and exit ends of the car wash to approximately 7 ft. This will reduce the noise radiating area, and also reduces the effective height of the noise source, increasing the acoustical screening effectiveness of the "wing walls" (recommended below). (Note that the 7 ft. entry and exit height would be less than the minimum vertical clearance of 8 ft. 2 inches specified by the California Building Code for parking structure, to accommodate vehicles for persons with disabilities. However, the minimum height requirement does not apply to car wash facilities). Provide "wing walls" at both the entry and exit ends of the car wash, to acoustically screen both openings from the Carrington Apartments and the Blacow Office Center, respectively. Both walls should be approximately 12 ft. high and at least 18 ft. long. The walls should extend from the end walls of the car wash, with no gaps at the base of the walls and no gaps at the junction with the car wash building walls. The walls shall have a weight of at least 4lb/sq.ft. of surface area.

During construction there will be an increase in existing noise levels but these impacts would be common for any construction project. The contractor who undertakes the work will be restricted to Monday through Friday 7:00 a.m. to 6:00 p.m. No construction shall take place on Saturday or Sunday.

**Mitigation Measure #5:** In accordance with the Seismic Hazard Mapping Act, and local building codes, the project may require a seismic hazard report and geotechnical report, which provide geotechnical recommendations for the proposed buildings. Any required report shall conform to State guidelines and may be subject to peer review.

### ***Engineering Division Requirements***

1. The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
2. In accordance with the Alameda Countywide NPDES Municipal Stormwater Permit, Order R2-2003-0021, NPDES Permit No. CAS0029831, the property owner shall enter into a maintenance agreement for the long-term operation and maintenance of on-site stormwater treatment measures. The agreement shall run with the land and be recorded prior to issuance of a building permit.
3. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The plans will also include storm water measures for operation and maintenance of the project.
4. The developer is responsible for ensuring that all contractors and subcontractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.
5. Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.
6. Food service facilities (including restaurants and grocery stores) shall have a sink or other floor mat, container, and equipment cleaning area, which is connected to a grease interceptor prior to discharging to the sanitary sewer system. The cleaning area shall be large enough to clean the largest mat or piece of equipment to be cleaned. The cleaning area shall be indoors or in a roofed area outdoors; both areas must be plumbed to the sanitary sewer.

7. The project shall provide a roofed and enclosed area for dumpsters and recycling containers. The area shall be designed to prevent water run-on to the area and runoff from the area and to contain litter and trash, so that it is not dispersed by the wind or runoff during waste removal. The trash/recycling enclosure shall be designed in a manner to be architecturally compatible with the nearby buildings. The location and screening of the enclosure shall be reviewed through the **Development Organization** review process.
8. Runoff from food service areas, trash enclosures, recycling areas, and/or food compactor enclosures or similar facilities shall not discharge to the storm drain system. Trash enclosure areas shall be designed to avoid run-on to the trash enclosure area. Any drains installed in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities shall be connected to the sanitary sewer. The applicant shall contact Union Sanitary District for specific connection and discharge requirements.
9. Commercial car wash facilities shall be designed and operated such that no runoff from the facility is discharged to the storm drain system. Wastewater from the facility shall discharge to the sanitary sewer or a wastewater reclamation system shall be installed and the wastewater reused with no discharges to the storm drain. The applicant shall contact Union Sanitary District for specific connection and discharge requirements.
10. Sidewalks and parking lots shall be swept regularly to minimize the accumulation of litter and debris. Debris resulting from pressure washing shall be trapped and collected to prevent entry into the storm drain system. Washwater containing any soap, cleaning agent or degreaser shall not be discharged to the storm drain.
11. The property owner shall dry sweep the fueling area and spot clean leaks and drips routinely. Fueling areas shall not be washed down with water unless the wash water is collected and disposed of properly (i.e., not in the storm drain).
12. All on-site storm drains must be cleaned at least once a year immediately prior to the rainy season. Additional cleaning may be required by the City of Fremont, or designated representative.
13. The project does not propose to revise the asphalt pavement surrounding the fueling areas or the Portland cement concrete pavement within the fueling area (under the fueling canopy). If the project is revised, or if a future project is proposed, such that the pavement and canopy are replaced, the new improvements shall comply with the following requirements:
  - a. Fueling areas shall be Portland cement concrete or equivalent smooth impervious surface that are: a) graded at the minimum slope necessary to prevent ponding; and b) separated from the rest of the site by a grade break that prevents run-on of stormwater to the maximum extent practicable.
  - b. Fueling areas shall be covered by a canopy that extends a minimum of ten feet in each direction from each pump. The canopy shall not drain onto the fueling area.

#### ***Landscape Division Requirements***

1. The foundation for the CMU wing wall (soundwall) shall be installed no closer than 7' from the base of the 16" diameter Pine tree that is to be preserved at the northern boundary.
2. A certified arborist shall be retained by the applicant to review demolition and foundation plans, and to advise on appropriate tree preservation measures for the Pine trees at the northern boundary. Tree preservation measures and construction methods for curbs and footings shall be revised by City staff during the Development Organization review process. As an option, at the applicant's expense, the applicant may request the services of the on-call Arboricultural Consultant for the city of Fremont.
3. The number, size and location of all trees and shrubs will be subject to the City Landscape Architect review and approval during the Development Organization review process.

4. The applicant will be required to submit a landscape and irrigation plan during the Development Organization review process. The plans should be prepared/designed and signed by a Landscape Architect licensed by the State of California in conformance with Title 16, Division 26 of the California Code of Regulations.

#### ***Fire Department Requirements***

- F-1. The applicant shall meet all requirements of the 2001 California Fire Code and all local amendments to that Code in Ordinance #2485.
- F-2. A sprinkler system shall be installed in the existing canopies. This will be reviewed by the Fremont Fire Marshall during the Development Organization review process.
- F-3. Plan, specifications, equipment lists and calculations for the required sprinkler system must be submitted to the Fremont Fire Department Authority and Building Department for review and approval prior to installation. A separate plan review fee is required. Standard Required: N.F.P.A. 13 with local amendments, policies and standards.

#### ***Hazardous Materials Unit Requirements***

- G-1. The applicant must immediately notify the Fremont Fire Department Hazardous Materials Division of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.

#### **During Construction**

- H-1. Construction activities shall be limited to the following hours of operation:

7a.m. to 6 p.m. Monday through Friday  
No construction activities allowed on Saturday or Sunday

Failure to comply with the above mentioned hours of operation would result in the withholding of inspections.

#### **END OF CONDITIONS**